

**REMARKS/ARGUMENTS**

Claims 1 to 21, 23, 24, 37 to 47 and 49 are now pending in this application. Claims 22, 25 to 36, and 48 have previously been withdrawn from consideration. Claims 1 and 46 have been amended. New claim 50 has been added.

The Office Action has rejected claims 1 to 21, 23 to 24, 37 to 47, and 49, under 35 U.S.C. § 103(a) as being unpatentable over Anderson (EP 1136064 A2), and further in view of Garrison et al. (U.S. Patent No. 6355264 B1).

The Action maintains that Anderson discloses compositions having a crosslinked silicone elastomer and spherical particles, including silicone powder, present in an amount from about 0.01% to about 10%. The Action further states that Anderson identifies salicylic acids, insect repellents, and sunscreens as suitable actives. The Examiner concedes that Anderson does not disclose the silicone powder matrix to include a volatile silicone. In this regard, the Action maintains that Garrison et al. discloses insect repellent compositions containing a

volatile silicone. The Action maintains that Garrison et al.'s preferred volatile silicone is cyclomethicone.

The Action argues that absent unexpected results, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the composition of Anderson by adding a volatile silicone, specifically cyclomethicone, as taught by Garrison, because of the expectation of improving the feel of the insect repellent composition against the skin as taught by Garrison. The Examiner maintains that the expected result would be a topical composition comprising a hybrid silicone powder matrix, an active ingredient and a volatile silicone. Applicants respectfully disagree with the Action's aforementioned assertions.

Claim 1 relates to a topical composition comprising a hybrid silicone powder matrix having a volatile silicone and a hydrophobic active ingredient that is entrapped in the hybrid silicone powder matrix. Independent claim 23 relates to an insect repellent composition comprising a hybrid silicone powder matrix having a hybrid silicone crosspolymer powder selected from the group of dimethicone,

cyclomethicone, vinyl dimethicone, organomodified variations thereof, and any combinations thereof; and an effective amount of an insect repellent entrapped in the hybrid silicone powder matrix, wherein the insect repellent is one or more actives selected from the group consisting of oil of citronella, N,N diethyl-m-toluamide, ethyl butylacetylaminopropionate, hydroxy-ethyl isobutyl piperidine carboxylate, dimethyl phthalate, 2-ethyl-1,3 hexanediol, neem oil, soybean oil, lemon grass oil, geranium/geraniol oil, p-methane-3,8-diol, and any combinations thereof.

Independent claim 37 relates to a hybrid silicone powder matrix comprising a hybrid silicone powder and a volatile silicone. Independent claim 49 relates to a topical cosmetic composition comprising an effective amount of a hydrophobic active ingredient, an entrapment agent for the active ingredient, and a cosmetically acceptable vehicle, wherein the entrapment agent comprises a matrix of silicone rubber powder particles and silicone resin powder, and wherein the composition is in powder form upon topical application.

The compositions of claims 1, 23 and 37 comprise a hybrid silicone powder that is defined on page 8, line 1 to page 9, line 17 of the application as a crosspolymer coated with the silicone powder. Nowhere in Anderson is such a hybrid silicone powder disclosed or taught. Additionally, Anderson identifies a variety of suitable spherical powders, including inorganic spherical powders such as silica, boron nitride, mica, talc, sericite, etc., and organic spherical powders such as nylon, polyurethane powder, and Teflon. There is no basis whatsoever to select the silicone powder from among the various kinds of spherical powders mentioned in Anderson. The Action's selection of the silicone powder is an impermissible hindsight use of the silicone powder of the claimed present invention.

Applicants submit that the hybrid silicone powder matrix of claims 1, 23 and 37, and the matrix of claim 43 is swelled by volatile silicone, which allows the hydrophobic material such as the insect repellent, to be entrapped in the interstices of the polymer, rather than encapsulated. As set forth above, the Action admits that Anderson does not disclose the volatile silicone of

independent claims 1, 23, and 37. There is no teaching in Anderson or Garrison et al., taken alone or in combination, that would suggest to one of ordinary skill in the art that the volatile silicone, would cause swelling of the hybrid polymer, and permit the entrapment of the hydrophobe.

Applicants submit that there is also no basis to conclude that a time or controlled release benefit would be obtained by swelling the hybrid silicone powder in the volatile silicone and then incorporating a hydrophobic active material in the matrix, as provided by the claimed present invention.

Based on the foregoing, the §103(a) rejection should be reconsidered and withdrawn. Applicants submit that the compositions of claims 1, 23, 37, and 49 are clearly in condition for allowance. Claims 2 to 21, 24, 38 to 47, and 50 depend from independent claims 1, 23, and 37. Accordingly, they are also patentably distinguishable for at least the same reasons as discussed above with respect to the independent base claims.

In view of the foregoing, applicants respectfully submit that claims 1 to 21, 23, 24, 37 to 47, 49 and 50 are

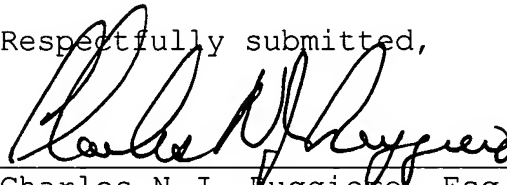
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clearly in condition for immediate allowance. In the event that further clarification is required prior to allowance, applicants respectfully request that the Examiner contact applicants' undersigned attorney.

Applicants respectfully submit that the claims of the present invention are allowable, request that all rejections be reconsidered and withdrawn, and that the claims of this application be given favorable consideration and immediate passage to allowance.

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Respectfully submitted,



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